

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

PATRICIA REGULA, individually and)	
as SPECIAL ADMINISTRATOR of)	
the ESTATE of MICHAEL REGULA, JR.,)	
Deceased,)	
)	
Plaintiff,)	No. 1:21-cv-5011
)	
)	12 th Judicial Circuit, Will County
v.)	No. 2021 L 000575
)	
WAYNE A. WILGUS, POWER 3PL, INC.,)	
and CUSTOM ASSEMBLY, INC.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant Custom Assembly, Inc. by its attorney Michelle L. Bisognani of Franco Moroney Buenik, LLC, hereby removes this civil action from the Circuit Court of the Twelfth Judicial Circuit, Will County, Illinois, Case No. 2021 L 000575, to the United States District Court for the Northern District of Illinois based upon diversity of citizenship pursuant to 28 U.S.C. §§1332, 1441, and 1446. The grounds for removal are as follows:

INTRODUCTION

1. On July 27, 2021, Plaintiff Patricia Regula, individually and as Special Administrator of the Estate of Michael Regula, Jr., deceased, filed a Complaint in the Circuit Court of the Twelfth Judicial Circuit, Will County, Illinois, (the “Circuit Court”). A copy of the original Summons and Complaint is attached as Exhibit A.

2. On August 24, 2021, Custom Assembly, Inc. was served with Plaintiff’s Summons and Complaint.

3. All Defendants have been advised of and consents to the Notice of Removal.

4. Plaintiff has asserted that decedent suffered injuries as a result of an accident that occurred at the deceased's place of work, APL Logistics ("APL"), in the State of Illinois. Ex. A. Plaintiff asserts a claim of negligence arising from the negligence of Defendants.

5. Federal jurisdiction exists based upon diversity of citizenship pursuant to 28 U.S.C. § 1332 because this is a civil action between citizens of different States, and there is a good faith basis to believe that the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. See 28 U.S.C. § 1441.

6. Plaintiff pled claims which present a controversy between "citizens of different states," within the meaning of 28 U.S.C. § 1332(a)(1). As such, this Court has jurisdiction over the case on that basis.

THE PARTIES

7. Plaintiff, Patricia Regula has at all relevant times, upon information and belief, been a resident and citizen of the State of Illinois.

8. The Complaint alleges that the deceased, Michael Regula, Jr. was injured in Illinois. Ex. A.

9. Defendant, Custom Assembly, Inc. is an Ohio corporation with its principal place of business being 2952 Rd 107, Suite B, Haviland, OH 45851. Accordingly, Custom Assembly, Inc. is a citizen of Ohio for diversity purposes. See 28 U.S.C. § 1332(c)(1).

10. Defendant, Power 3PL, Inc., is an Ohio corporation with its principal place of business being 2925 CR 107, Haviland, OH 45851. Accordingly, Custom Assembly, Inc. is a citizen of Ohio for diversity purposes. See 28 U.S.C. § 1332(c)(1).

11. Defendant, Wayne Wilgus, resides at 500 East 400 South, Valparaiso, IN 46383. Accordingly, Wayne Wilgus is a citizen of Indiana for diversity purposes. See 28 U.S.C. § 1332(c)(1).

NOTICE OF REMOVAL IS TIMELY

12. Custom Assembly, Inc.’s Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b)(1) and Fed. R. Civ. P. 6(a)(1)(C) because Custom Assembly, Inc. is filing this Notice of Removal within thirty (30) days of receiving the Complaint.

THE AMOUNT IN CONTROVERSY HAS BEEN SATISFIED

13. For the amount in controversy requirement to be satisfied, a removing defendant need only show “...by a preponderance of the evidence that the case meets the \$75,000.00 threshold.” *Meridian Sec. Ins. Co. v. Sadowski*, 441 F.3d 536, 542 (7th Cir. 2006).

14. Plaintiff’s Complaint prays for damages in excess of fifty-thousand dollars “in excess of the jurisdictional limits”). Ex. A.

15. Plaintiff alleges that as a result of the accident, the decedent sustained medical bills, lost wages and benefits, pain, suffering, disability, disfigurement, and loss of normal life. Ex. A.

16. Although Defendant denies liability for the damages and conduct alleged in Plaintiff’s Complaint, it remains clear based on the allegations in Plaintiff’s Complaint, and upon information and belief that Plaintiff is seeking damages in excess of \$75,000.

PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN ESTABLISHED

17. This is a civil action in which this Court has jurisdiction under complete diversity of citizenship between Plaintiff and Defendants pursuant to 28 U.S.C. § 1441.

18. As required by 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings and orders served upon Custom Assembly, Inc. are being filed herewith.

19. Removal to the United States District Court for the Northern District of Illinois is appropriate because it is the district court for the district encompassing Will County, Illinois. 28 U.S.C. § 93(b).

20. No previous application has been made for the relief requested herein.

21. As required by 28 U.S.C. § 1446(d), the Notice of Removal will be served upon all parties of record and will be filed with the Circuit Court.

WHEREFORE, Defendant Custom Assembly, Inc. does hereby give notice of removal of this action to the United States District Court for the Northern District of Illinois.

DEFENDANT HEREBY DEMANDS TRIAL BY JURY.

Date: September 22, 2021

/s/ 
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